

# **THE TOWN OF THE CITY OF DAWSON**

## **BYLAW #07-03**

**A Bylaw to regulate the proper maintenance of property and the abatement of nuisances, including property or things that:**

- (a) Affect the safety, health and welfare of people in the neighborhood; or**
- (b) Affect the amenity of a neighborhood.**

**WHEREAS** section 265 of the Municipal Act, (Chapter 154, RSY, 2002), and amendments thereto, provides that a council may pass bylaws for municipal purposes respecting

- (a) The safety, health, and welfare of people and the protection of persons and property, including fire protection, fireworks, other explosives, firearms, weapons or devices, ambulance services, emergency services and other emergencies;
- (b) Subject to the *Building Standards Act*, building standards or codes, and regulation, the construction, demolition, removal, or alteration of any building or other structure;
- (c) Subject to the *Highways Act*, the management and control of municipal highways, including temporary and permanent opening and closing, sidewalks, boulevards, all property adjacent to highways, whether publicly or privately owned, naming of highways, and lighting of highways;
- (d) Nuisances, unsightly property, noise and pollution and waste in or on public or private property;
- (e) Vegetation and activities in relation to it, and the control, health and safety of, and protection from, wild and domestic animals, including insects and birds

**THEREFORE**, pursuant to the provisions of the Municipal Act of the Yukon Territory, the Council of the Town of the City of Dawson, in open meeting assembled, **HEREBY ENACT AS FOLLOWS:**

### **Part I - Interpretation**

#### **Short Title**

1. This Bylaw may be cited as **The Property Maintenance & Nuisance Abatement Bylaw #07-03.**

#### **Purpose**

2. The purpose of this Bylaw is to provide for the proper maintenance of property and the abatement of nuisances, including property or things that:
  - (a) Affect the safety, health and welfare of people in the neighborhood; or
  - (b) Affect the amenity of a neighborhood.

## Definitions

### 3. In this Bylaw:

- (a) "accessory building" means a subordinate building and/or structure, the use of which is incidental to that of the main building or buildings on the same lot or building site; but not including any building used for living or sleeping quarters.
- (b) "building" means a building within the meaning of *The National Fire Code of Canada 2005*.
- (c) "bylaw officer" means an individual appointed by Council to act on behalf of the City of Dawson to enforce bylaws.
- (d) "City" means the Town of the City of Dawson;
- (e) "Council" means the Council of the Town of the City of Dawson;
- (f) "dwelling unit" means a room or series of rooms of complementary use operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
- (g) "graffiti" means any drawing, inscription, writing or other mark that disfigures or defaces any building, accessory building, fence or other structure, however made, or otherwise affixed;
- (h) "habitable room" means a room in a dwelling unit used or intended to be used for living, sleeping, cooking or eating purposes or any combination thereof; but does not include a bathroom, laundry, pantry, lobby, stairway, closet, service room or other space for service and maintenance of the dwelling unit;
- (i) "junked vehicle" means any automobile, tractor, truck, trailer or other motor vehicle that:
  - (i) either:
    - (a) has no valid license plates attached to it; or
    - (b) is in a rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
  - (ii) is located on private land, but that:
    - (a) is not within a structure erected in accordance with any law respecting the erection of buildings and structures in force within the City; and
    - (b) does not form a part of a business enterprise lawfully being operated on that land;
- (j) "motor vehicle" shall have the same meaning given it in of the Motor Vehicles Act;
- (k) "nuisance" means:
  - (a) a condition of property; or
  - (b) a thing;  
That affects or may affect the amenity of a neighborhood or the safety, health and welfare of people in the neighborhood, and includes:
    - (i) a building in a ruinous or dilapidated state of repair;
    - (ii) an unoccupied building that is damaged and is an imminent danger to public safety;
    - (iii) land that is overgrown with grass and weeds;
    - (iv) untidy and unsightly property;
    - (v) junked vehicles; and
    - (vi) open excavations on property;
- (l) "occupant" means an occupant of land and includes the resident occupant of land of, if there is no resident occupant, the person entitled to the possession thereof, a leaseholder or a person having or enjoying in any way or for any purpose

- whatsoever the use of the land otherwise than as owner, whether or not the land or part thereof is an unsurveyed area, and includes a squatter;
- (m) "officer" means a Bylaw Officer of the City, or a member of the Royal Canadian Mounted Police;
  - (n) "owner" means a person who has any right, title, estate or interest in land or buildings other than that of a mere occupant, tenant or mortgagee;
  - (o) "property" means land or buildings or both;
  - (p) "property owner" means the owner as registered with the Registrar of the Yukon Land Title Office or the owner's authorized representative;
  - (q) "structure" means anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil; but not including pavements, curbs, walks or open air surfaced areas; and

### **Responsibility**

4. Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

## **Part II - Nuisances**

### **Nuisances Prohibited Generally**

1. No person shall cause or permit a nuisance to occur or remain on any property owned by that person.

### **Dilapidated Buildings**

2. No person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the building or structure:
  - (a) Is dangerous to the public health or safety; or
  - (b) Substantially depreciates the value of other land or improvements in the neighborhood.

### **Unoccupied Buildings**

3. (1) No person shall cause or permit an unoccupied building to become damaged or to deteriorate into a state of disrepair such that the building is an imminent danger to public safety.
- (2) The owner of a vacant building must maintain it in compliance with the standards set out in this Bylaw.
- (3) The owner of a vacant building must ensure that the building is secure from unauthorized entry by ensuring:
  - (a) All exterior doors to the building are operational and fit tightly within their frames when closed and are locked so as to prevent entry. All windows are either permanently sealed or locked so as to prevent entry and all windows and doors are in good repair; or
  - (b) All doors, windows and other openings at the basement and first floor levels are covered with a solid piece of plywood at least 11(mm) 1/2(in) thick and secured with nails or screws. All doors, windows and other openings above the first floor are covered with a solid piece of plywood at least 8(mm) 1/4(in) thick and secured with nails or screws.
  - (c) Where plywood is applied to openings, it is to be installed from the exterior, fitted within the doorframes in a manner that does not detract from the value of other properties in the immediate vicinity.

### **Untidy and Unsightly Property**

4. No person shall cause or permit any land or buildings to become untidy and unsightly due to graffiti or the accumulation of new or used lumber, cardboard, paper, newspapers, appliances, tires, cans, barrels, scrap metal or other waste materials or junk.

### **Junked Vehicles**

5. No person shall cause or permit any junked vehicle to be kept on any land owned by that person.

### **Open Excavations**

6. No person shall cause or permit any basement, excavation, drain, ditch, watercourse, pond, surface water, swimming pool or other structure to exist in or on any private land or in or about any building or structure which is dangerous to the public safety or health.

### **Graffiti**

7. No person shall permit graffiti to remain on any building, accessory building, fence or other structure on property owned by that person.

### **Damage to Public Owned Grass Areas**

8. No person shall drive upon and no motorized vehicle shall be allowed on or across the grass of any public owned grassed in areas within the City except when it is necessary to cross part of the area for the purpose of delivery or removal of furniture, household goods, or other like chattels, in which case planks of sufficient length and width shall be placed over the area in front of the building in or from which such chattels or goods shall be delivered or removed, so that damage or injury shall not ensue to that part of the said area, and the person responsible for such transporting of goods and chattels shall be liable should the area not be in as good condition as it was prior to.

### **Highway Names**

9. (1) City Council shall be responsible for the assigning of names and/or numbers to highways within the City and for the placing of signs therefore.  
(2) Every person who erects, removes, defaces or damages any such sign as aforesaid in any way whatsoever, shall be liable for an infraction of this bylaw.

### **Earth Removal**

10. No person shall take up or dig or carry away any of the earth, sand or gravel in or from any highway, sidewalk, alley, lane, or park within the City or from any real property owned by the City, without the written permission of the Superintendent of Public Works or the CAO.

### **Incessant Noises**

11. (1) Everyone who makes or causes noises or sounds in or on a highway or elsewhere in the City which disturbs or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity, shall upon warning from any Bylaw Officer cease making or causing such noises forthwith, or shall be deemed to have contravened the provisions of the bylaw.

(2) Construction equipment, light work equipment including tractors, lawnmowers, shall not be operated between the hours of eleven o'clock at night and seven o'clock in the morning (11:00 p.m. to 7:00 a.m.) in residential areas except with the permission of the Bylaw Officer.

#### **Election Posters**

12. Election Posters may be erected but must be removed within seven days after the election to which they apply. Failure to remove said poster(s) within the specified seven days shall be deemed a contravention of this bylaw.

#### **Air Pollution**

13. No person being the owner or occupier of real property or his agent, shall within the City commit any act or condition of air pollution or discharge or allow the discharge into the atmosphere of any fumes, noxious gases, cinders, sparks, ash or other solid or liquid particles, or effluvia, or any other products of combustion to any extent or degree, that may be or are liable to become injurious to the health, comfort, property or welfare of any one or more of the residents or inhabitants of the City.

#### **Public Utilities**

14. (1) No gas, electric, light, telephone, power, pipeline or water company, radio or television broadcasting company, or closed circuit television company shall use the highways within the City for the construction of the above mentioned utilities until they first supply the office of the Superintendent of Public Works with complete plans and specifications of the proposed work or undertaking to be constructed and have obtained the written permission of the Superintendent of Public Works which shall be subject to the approval of the City Council  
  
(2) No construction pursuant to above shall commence until a signed agreement indemnifying and saving harmless the City of Dawson is received along with a copy of the related insurance policy showing loss payable to the City.

### **Part III - Property Maintenance**

#### **Duty to Maintain**

1. (1) All property, including land, buildings and structures, shall be maintained in accordance with the minimum standards prescribed in this Part.  
(2) No person shall cause or permit the occupancy or use of any property, including land, building or structures that do not conform to the minimum standards.  
(3) Every occupant of a property, including land, buildings and structures, shall:
  - (a) Keep in a clean and sanitary condition that part of the property that the occupant occupies or controls;
  - (b) Maintain exits to the exterior of the building in a safe and unobstructed condition;
  - (c) Dispose of garbage and refuse and keep the property free from rubbish and other debris which might constitute fire, health or safety hazards; and

(d) Keep any supplied fixtures clean and sanitary and exercise reasonable care in their proper use and operation.

(e) Not use any property within a residential area as defined by the Zoning Bylaw for the storage, repair, cleaning, maintenance, collection or servicing of equipment such as bulldozers, graders, backhauls, loaders, cranes, tractors, semi-trailers or a combination thereof, or other similar heavy equipment

## **Maintenance of Yards and Accessory Buildings**

### **Application**

2. This Division applies to all accessory buildings and yards within the City.

### **Maintenance of Yards**

3. (1) A yard shall be kept free and clean from:
- (a) Garbage and junk;
  - (b) Junked vehicles and dismantled machinery;
  - (d) Holes and excavations that could cause an accident;
  - (e) An infestation of rodents, vermin or insects;
  - (f) Dead or hazardous trees; and
  - (g) Sharp or dangerous materials.
  - (h) Accumulation of appliances, parts and accessories
- (2) A yard shall be graded in such a manner so as to prevent:
- (a) Excessive accumulation of water; and
  - (b) Excessive dampness accumulating near buildings or structures.

### **Outdoor Storage of Materials**

4. (1) Any building materials, lumber, scrap metal, boxes or similar items stored in a yard shall be neatly stacked in piles.

### **Refrigerators and Freezers**

5. Any refrigerator or freezer left in a yard and not in use shall first have its hinges, latches, lid, door or doors removed, if in use it shall be securely locked.

### **Snow Removal**

#### **6. "Roof"**

Every owner/occupier of any real property shall remove snow, ice or rubbish from the roof or other part of any structure thereon, adjacent to or abutting any portion of any highway, sidewalk or footpath, immediately after such accumulation occurs or when requested to do so by a Bylaw Officer of the City of Dawson.

#### **7. "Sidewalk"**

- (1) Every owner/occupier of any real property shall remove snow, ice or rubbish from:
- (a) from all sidewalk which abuts any side of their property;
  - (b) from any path leading from a sidewalk abutting their property to the roadway; and
  - (c) between any sidewalk abutting their property and a crosswalk;
- (2) No owner/occupier shall permit icicles to accumulate on the eaves or gutters of any building so as to become dangerous to persons passing on a sidewalk, street or pathway.

(3) No owner/occupier shall deposit snow and ice upon any street or sidewalk in such a way as to create a safety hazard.

#### **Walkways, Driveways and Parking Spaces**

8. If a walkway, driveway or parking space is provided, it shall be maintained so as to afford safe passage thereon under normal use and weather conditions.

#### **Waste Disposal**

9. Every building shall be provided with a sufficient number of receptacles to contain all waste in accordance with the provisions of the City's Garbage Bylaw.

#### **Accessory Buildings**

10. (1) Accessory buildings shall be kept:

- (a) In good repair;
- (b) Free of infestation by rodents, vermin and insects;
- (c) Free of health, fire and safety hazards; and
- (d) Free of graffiti.

(2) Accessory buildings shall be equipped with doors or closures and shall be kept secured so as to prevent unauthorized entry.

#### **Fences**

11. Fences shall be maintained in a safe and reasonable state of repair and free of graffiti.

### **Part IV - Enforcement, Offences and Penalties**

#### **Compliance with Other Legislation**

1. An owner is responsible for and is not excused from ascertaining and complying with the requirements of any Federal, Territorial or other Municipal legislation; or the condition of any easement, covenant, building scheme, or development agreement affecting the building or land.

#### **Enforcement of Bylaw**

2. (1) The administration and enforcement of this Bylaw is hereby delegated to the Chief Administrative Officer of the City of Dawson.

(2) The Chief Administrative Officer the City of Dawson is hereby authorized to further delegate the administration and enforcement of this Bylaw to a Bylaw Officer(s).

#### **Inspections**

3. (1) The inspection of property by the City to determine if this Bylaw is being complied with is hereby authorized.

(2) Inspections under this Bylaw shall be carried out in accordance with The National Fire Code of Canada 2005 and the National Building Code of Canada 2005 and City Bylaws.

(3) No person shall obstruct a bylaw officer who is authorized to conduct an inspection under this section, or a person who is assisting a bylaw officer.

#### **Order to Remedy Contraventions**

4. (1) If a bylaw officer finds that a person is contravening this Bylaw, the officer may, by written order, require the owner or occupant of the property within the time specified on the order to remedy the contravention.
- (2) If the person does not comply with the directions within the specified time, the municipality will take the action or measure at the expense of the person.

**Service of Order to Remedy**

5. (1) Every Order made under this Bylaw must be served:
  - (a) In the case of service on an individual, personally or by mailing it by registered mail to address on the Assessment Roll.
  - (b) In the case of service on a corporation, personally on a director, officer, or manager or the corporation, or by leaving it at or mailing it by registered mail to the address on the Assessment Roll.
  - (c) An order served by registered mail is deemed to have been received on the seventh day following the date of it's mailing

**Review by Council of Order to Remedy**

6. (1) A person who receives a written order under Section 34 may request council by written notice to review the Order within 14 days after the Order is received
- (2) After reviewing the order, the council may confirm, vary, substitute, or cancel the Order.

**City Remedying Contraventions**

7. The City may take whatever actions or measures are necessary to remedy a contravention of this Bylaw.

**Civil Action to Recover Costs**

8. The City may collect any unpaid expenses and costs incurred in remedying a contravention of this Bylaw by civil action for debt in a court of competent jurisdiction.

**Adding Amounts to Tax Roll**

9. The City may add any unpaid expenses and costs incurred by the City in remedying a contravention of this Bylaw to the taxes on the property on which the work was done.

**Emergencies**

10. In the event that it becomes an emergency to remedy a contravention of this Bylaw, the City may take whatever actions or measures are necessary to eliminate the emergency.

**Offences**

11. (1) No person shall:
- (a) Fail to comply with an order made pursuant to this Bylaw;
  - (b) Obstruct or hinder any municipal inspector or any other person acting under the authority of this Bylaw; or
  - (c) Fail to comply with any other provision of this Bylaw.
- (2) Any person who contravenes any provision of this bylaw is guilty of an offence;
- (a) A fine not exceeding two thousand dollars (\$2000.00) or to imprisonment for six months or to both where proceedings are commenced pursuant to the summary convictions provisions of the Criminal Code of Canada;
  - (b) A fine not exceeding five hundred dollars (\$500.00) or to imprisonment for six months or both where proceedings are commenced pursuant to the Summary Convictions Act of the Yukon.
  - (c) In the case of a continuing offence, to a maximum daily fine of not more than \$500 per day.

**Repealed**

12. Bylaw 88-21 and its amendments thereto are hereby repealed

**Coming Into Force**

13. This Bylaw shall come into force on the day of its final passing.

**READ A FIRST TIME THIS 3<sup>rd</sup> DAY OF APRIL, 2007.**

**READ A SECOND TIME THIS 26<sup>th</sup> DAY OF JUNE, 2007.**

**READ A THIRD TIME AND FINALLY PASSED THIS 10<sup>Th</sup> DAY OF JULY, 2007.**

Original Signed by:

John Steins  
MAYOR

Paul Moore  
CAO